

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.,)	
)	
Plaintiffs,)	
v.	)	14 CV 3738
)	
ARCHITECTURAL SYSTEMS, INC., an	)	Judge Lee
Illinois corporation,)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR FINAL JUDGMENT

Plaintiffs, the CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION FUND, ET AL. (collectively "Trust Funds"), by their attorney Kevin P. McJessy, hereby move this Court pursuant to Federal Rules of Civil Procedure 54, 55 and 58 to enter a final judgment against ARCHITECTURAL SYSTEMS, INC. ("Defendant"). In support of their motion, Trust Funds state as follows:

Complaint

1. The Trust Funds filed a complaint against the Defendant under ERISA to compel an audit of Defendant's books and records for the period January 1, 2012 through March 31, 2014, for collection of unpaid contributions, interest and liquidated damages, and for attorneys' fees and auditors' fees pursuant to the collective bargaining agreements and the trust agreements to which Defendant is signatory.

Default Judgment

2. Defendant was served with a copy of the summons and complaint. Defendant failed to answer or appear. On August 20, 2014, the Trust Funds filed a motion for entry of an order of default. *See* Plaintiffs' Motion for Entry of an Order of Default, Docket Report No. 9.

3. On September 2, 2014, this Court entered an order of default (“Default Order”) against Defendant which provided, in part, that:

Pursuant to Federal Rule of Civil Procedure 55, an order of default is hereby entered in favor of the Chicago Regional Council of Carpenters Pension Fund *et al.* (“Trust Funds”) and against defendant Architectural Systems, Inc., an Illinois corporation (“Defendant”). Defendant is hereby ordered:

A. to provide the Trust Funds or their designated auditors, Legacy Professionals, LLP complete access to Defendant’s books records within twenty-one (21) days so that the Trust Funds may conduct an audit of Defendant’s fringe benefit contributions for the period January 1, 2012 through the present;

B. to pay any and all amounts the Trust Funds may discover to be due pursuant to the audit;

C. to pay auditor’s fees incurred by the Trust Funds to complete the audit of Defendant’s books and records;

D. to pay interest on the amount that is due;

E. to pay interest or liquidated damages on the amount that is due, whichever is greater; and

F. to pay reasonable attorneys’ fees and costs the Trust Funds incurred in this action and attorneys’ fees that the Trust Funds incur to obtain full compliance with this Order and to collect any amounts due and owing to the Trust Funds.

It is further ordered that the Court reserves the right to award such other and further relief as the Court deems just and equitable.

A copy of the Default Order is attached hereto as Exhibit A.

Completion of Audit

4. Defendant was subsequently served with a copy of the order but failed to submit to an audit. On September 25, 2014, the Trust Funds filed a motion for rule to show cause seeking to obtain Defendant’s compliance with the Default Order. *See* Plaintiffs’ Motion for Rule to Show Cause, Docket Report No. 13.

5. Subsequently, Defendant produced records to Legacy Professionals, LLP (“Legacy”). Legacy completed an audit of Defendant’s books and records based on the information provided to them. *See* Decl. of J. Libby, ¶7, Exh. B.

6. After Legacy completed the Audit Report, the Trust Funds provided a copy to Defendant. Thereafter, Defendant produced additional documents to the Trust Funds to address the audit findings.

7. The Trust Funds adjusted the Audit Report based on the additional records and information produced by Defendant. A copy of the adjusted Audit Report is attached to the Declaration of J. Libby as Exhibit B-2. *See* Decl. of J. Libby, ¶8, Exh. B.

Final Judgment

8. Based on the records produced by Defendant and the adjusted Audit Report, the Trust Funds now move this Court to enter a final judgment. The amount owed by Defendant is \$26,907.68, which is comprised of the following:

- A. **The Trust Funds are owed \$11,977.31 in unpaid contributions.** *See* Decl. of J. Libby, ¶8, Exh. B.
- B. **The Trust Funds are owed \$4,021.20 for auditor’s fees incurred by the Trust Funds to complete the audit of Defendant’s books and records.** *See* Decl. of J. Libby, ¶12, Exh. B. *See also Trustees of the Chicago Plastering Institute Pension Trust v. Cork Plastering Co.*, 570 F.3d 890, 902 (7th Cir. Ill. 2009) (“ERISA itself grants the district court authority to award the plaintiffs their reasonable attorney’s fees and costs . . . This court, among others, has construed the latter provision to include an award of audit costs.”); *Moriarty ex rel. Local Union No. 727, I.B.T. Pension Trust v. Svec*, 429 F.3d 710, 721 (7th Cir. 2005).
- C. **The Trust Funds are owed \$430.83 in interest under ERISA on the amount that is due.** *See* 29 U.S.C. § 1132(g)(2)(B); 29 U.S.C. § 1132(g)(2)(C); Decl. of J. Libby, ¶11, Exh. B.
- D. **The Trust Funds are owed \$2,395.46 in liquidated damages.** *See* Decl. of J. Libby, ¶11, Exh. B; 29 U.S.C. § 1132(g)(2)(B).
- E. **The Trust Funds are owed \$8,082.88 in reasonable attorneys’ fees and costs the Trust Funds incurred in this action.** *See* Decl. of J. Libby, ¶10, Exh. B;

Decl. of McJessy, ¶4, Exh. C; 29 U.S.C. § 1132(g)(1) and (g)(2)(D). *See also Trustees of the Chicago Plastering Institute Pension Trust v. Cork Plastering Co.*, 570 F.3d 890, 902, 903 (7th Cir. Ill. 2009); *Chicago Regional Council of Carpenters Pension Fund v. RCI Enterprises, Inc.*, 2011 U.S. Dist LEXIS *6-7 (N.D. Ill., July 20, 2011) (Feinerman, J.); *Board of Trustees of the Rockford Pipe Trades Indus. Pension Fund v. Fiorenza Enters.*, 2011 U.S. Dist. LEXIS 28209, 21-22 (N.D. Ill. Mar. 18, 2011).

9. The Trust Funds are also entitled to recover attorneys' fees incurred to enforce or collect the amounts due. *See Free v. Briody*, 793 F.2d 807, 808-09 (7th Cir. 1986) (holding that union-affiliated fringe benefit funds are entitled to collect attorneys' fees for work incurred to collect on a judgment rendered under ERISA).

10. A proposed draft order is attached as Exhibit D.

WHEREFORE, Plaintiffs the Chicago Regional Council of Carpenters Pension Fund *et al.* hereby move this Court to enter judgment in their favor and against Defendant in the amount of \$26,907.68 as follows:

- A. \$11,977.31 in unpaid contributions pursuant to the audit;
- B. \$4,021.20 for auditor's fees of incurred by the Trust Funds to complete the audit of Defendants' books and records;
- C. \$430.83 in interest under ERISA on the amount that is due;
- D. \$2,395.46 in liquidated damages;
- E. \$8,082.88 in reasonable attorneys' fees and costs the Trust Funds incurred in this action;
- F. reasonable attorney' fees and costs incurred by the Trust Funds in enforcing this order; and
- G. such other relief as this Court deems appropriate.

CHICAGO REGIONAL COUNCIL OF
CARPENTERS PENSION FUND *et al.*

By: s/ Kevin P. McJessy
One of their attorneys

Kevin P. McJessy
MCJESSY, CHING & THOMPSON, LLC
3759 North Ravenswood, Suite 231
Chicago, Illinois 60613
(773) 880-1260
(773) 880-1265 (facsimile)
mcjessy@MCandT.com

CERTIFICATE OF SERVICE

I, Kevin P. McJessy, an attorney, certify that I caused the foregoing **Plaintiffs' Motion for Final Judgment** to be served upon

Architectural Systems, Inc.
c/o James Chavez, President
4224 Foxborough Court
Kankakee, IL 60901

Graham Hartung
1857 E. Burville Rd.
Crete, IL 60417

via U.S. Mail deposited in the United States Mail Depository at 3759 N. Ravenswood, Chicago, Illinois, postage prepaid, this 20th day of April 2015.

s/ Kevin P. McJessy
Kevin P. McJessy

14 CV 03738

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, <i>et al.</i> ,)	
)	
Plaintiffs,	)	14 CV 3738
v.)	
)	
ARCHITECTURAL SYSTEMS, INC., an	)	Judge Lee
Illinois corporation,)	
)	
Defendant.)	

ORDER

Pursuant to Federal Rule of Civil Procedure 55, an order of default is hereby entered in favor of the Chicago Regional Council of Carpenters Pension Fund *et al.* ("Trust Funds") and against defendant Architectural Systems, Inc., an Illinois corporation ("Defendant"). Defendant is hereby ordered:

- A. to provide the Trust Funds or their designated auditors, Legacy Professionals, LLP complete access to Defendant's books records within twenty-one (21) days so that the Trust Funds may conduct an audit of Defendant's fringe benefit contributions for the period January 1, 2012 through the present;
- B. to pay any and all amounts the Trust Funds may discover to be due pursuant to the audit;
- C. to pay auditor's fees incurred by the Trust Funds to complete the audit of Defendant's books and records;
- D. to pay interest on the amount that is due;
- E. to pay interest or liquidated damages on the amount that is due, whichever is greater; and
- F. to pay reasonable attorneys' fees and costs the Trust Funds incurred in this action and attorneys' fees that the Trust Funds incur to obtain full compliance with this Order and to collect any amounts due and owing to the Trust Funds.

It is further ordered that the Court reserves the right to award such other and further relief as the Court deems just and equitable.

Trust Funds shall serve a copy of this Order on Defendant.

9/2/14
Date

Judge John Z. Lee

14 CV 03738

Exhibit B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.,)	
)	
Plaintiffs,	)	14 CV 3738
v.)	
	)	Judge Lee
ARCHITECTURAL SYSTEMS, INC., an Illinois)	
corporation,)	
)	
Defendant.)	

DECLARATION OF JOHN LIBBY

I, John Libby, hereby declare, under penalty of perjury pursuant to the laws of the United States, that the following statements are true to the best of my knowledge information and belief:

1. I am the Manager, Audits & Collections for the Chicago Regional Council of Carpenters Pension Fund, the Chicago Regional Council of Carpenters Welfare Fund, the Chicago and Northeast Illinois Regional Council of Carpenter Apprentice and Trainee Program and the Labor/Management Union Carpentry Cooperation Promotion Fund (collectively “the Trust Funds”).
2. As part of my duties, I am responsible for managing the collection of contributions for medical, pension and other benefits due from numerous employers pursuant to collective bargaining agreements between the employers and the Chicago and Northeast Illinois Regional Council of Carpenters (“Union”) and between employers and the United Brotherhood of Carpenters and Joiners of America.
3. ARCHITECTURAL SYSTEMS, INC. (“Defendant”) is an employer bound by a collective bargaining agreement with the Union (“Area Agreement”). A copy of the Agreement dated March 14, 1997 between Defendant and the Union by which Defendant agreed to be bound

by the Area Agreement is attached as Exhibit B-1. The Agreement binds Defendant to the Area Agreement with the Union and the trust agreements establishing the Trust Funds. The Agreement, the Area Agreement and the trust agreements are collectively referred to herein as "Agreements."

4. Pursuant to the Agreements, Defendant is required to pay fringe benefit contributions to the Trust Funds for work performed by Defendant's employees and non-union subcontractors performing work falling within the jurisdiction of the Union.

5. Pursuant to the Agreements, Defendant also agreed to submit to a periodic audit of its books and records in order to verify the accuracy of the contributions reported and paid to the Trust Funds.

6. The Trust Funds engaged Legacy Professionals, LLP ("Legacy") to conduct an audit of Defendant's fringe benefit contributions to the Trust Funds for the period January 1, 2012 through March 31, 2014.

7. Defendant produced records to Legacy. Legacy prepared a report of Defendant's fringe benefit contributions to the Trust Funds based on Legacy's review of the records produced by Defendant. Legacy delivered a copy of its original Audit Report to the Trust Funds for Defendant's account. The Trust Funds made demand on Defendant to pay the amount due according the original Audit Report.

8. Thereafter, Defendant produced additional documents to the Trust Funds in order to explain why it believed that it did not owe all of the contributions set forth in the original Audit Report prepared by Legacy. Based on the records produced by Defendant, the Trust Funds adjusted the original Audit Report. A copy of the adjusted Audit Report is attached as Exhibit B-2. According to the adjusted Audit Report and based on the records produced by Defendant to

Legacy and to the Trust Funds, Defendant owes \$11,977.31 in unpaid fringe benefit contributions to the Trust Funds.

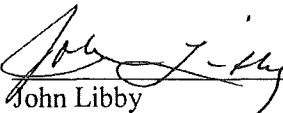
9. The Agreements provide that the Trust Funds collect liquidated damages on unpaid fringe benefit contributions at a rate of 1½ percent compounded monthly and capped at 20 percent. The Agreements also provide that the Trust Funds collect interest on unpaid fringe benefit contributions as allowed by law.

10. Because Defendant failed to comply with the terms of the Agreements, the Trust Funds have had to employ the services of attorney McJessy Ching & Thompson, LLC. As a result, the Trust Funds incurred attorneys' fees and costs.

11. A summary of the updated calculations of accrued interest and liquidated damages as of April 10, 2015 is attached hereto as Exhibit B-3. Defendant owes \$430.83 in unpaid interest calculated pursuant to 26 U.S.C. §6621 and \$2,395.46 in unpaid liquidated damages calculated in accordance with the Agreements.

12. The Trust Funds paid Legacy \$4,021.20 as auditors' fees for Legacy to conduct its review of Defendant's books and records and to prepare the Audit Reports.

13. I have personal knowledge of the matters stated in this affidavit and could testify competently to them.



John Libby

4/20/15

Date

14 CV 03738

Exhibit B-1

MEMORANDUM OF AGREEMENT

Firm Architectural Systems, Inc. Address 11 Cumberland Court
City Cary State IL Zip 60013 Phone 847/639-8484

THIS AGREEMENT is entered into between the CHICAGO AND NORTHEAST ILLINOIS DISTRICT COUNCIL OF CARPENTERS, COOK, DUPAGE, GRUNDY, IROQUOIS, KANE, KANKAKEE, KENDALL, LAKE, MCHENRY and WILL COUNTIES, ILLINOIS, hereinafter referred to as the "UNION" and

ARCHITECTURAL SYSTEMS, INC.

its successors and assigns, hereinafter referred to as the "EMPLOYER".

This Agreement is made in consideration of the instant promises of the UNION and the EMPLOYER and the parties do hereby agree as follows:

1. The EMPLOYER recognizes the UNION as the sole and exclusive bargaining agent for and on behalf of the Employees of the EMPLOYER within the territorial and occupational jurisdiction of the UNION. Prior to recognition, the EMPLOYER has reviewed valid evidence and agrees that the UNION is the exclusive designated Bargaining Representative of a majority of the appropriate bargaining unit employees of the EMPLOYER.

2. The EMPLOYER and the UNION, hereby incorporate by reference and agree to be bound by the Area Agreements in effect on the date this document is executed through their respective expiration dates. Those Agreements include, but are not limited to, the following:

the Area Agreement negotiated between the UNION and the Mid-America Regional Bargaining Association (M.A.R.B.A.), the Addendum negotiated between the UNION and the Residential Construction Employers Council (R.C.E.C.) covering Cook, Lake and DuPage Counties, the Agreement negotiated between the Union and the Contractors Association of Will and Grundy Counties covering Grundy County, the Agreement negotiated between the Union and the Contractors Association of Will and Grundy Counties covering Will County, the Agreement negotiated between the Union and the Residential Construction Employers Council (R.C.E.C.) covering Will County, the contract negotiated between the UNION and the Kankakee and Iroquois County Contractors Association, the Agreement negotiated between the UNION and the Fox Valley Contractors Association, and the Residential Construction Employers Council (R.C.E.C.) covering Kane, Kendall and McHenry County, as well as any contracts

negotiated between the UNION and other associations involved in various subtrades within the Union's occupational jurisdiction.

3. The EMPLOYER agrees to be bound by the terms of the Trust Agreements of the Fringe Benefit Trust Funds to which contributions are required to be made under the Agreements referred to in numbered paragraph 2 hereof and all rules and regulations adopted by the Trustees thereof. The EMPLOYER further agrees to make prompt payments of the per hour contributions with respect to each Trust Fund for all Employees performing bargaining unit work and/or covered by the Agreement including nonbonded and nonsignatory subcontractors as required by the applicable provisions of each agreement.

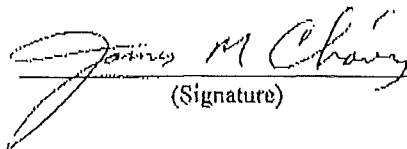
4. This Agreement and the adoption of the Area Agreement and Declarations of Trust referred to in paragraphs two and three above, shall be effective upon the date that this document is executed and remain in full force and effect to and including the expiration date of the respective Area Agreements adopted herein. Unless the EMPLOYER gives written notice to the UNION of its desire to terminate or modify the Agreement at least three (3) calendar months prior to the expiration of such Agreements, the Agreement shall continue in full force and effect through the full term and duration of all subsequent agreements(s).

5. EMPLOYER HEREBY ACKNOWLEDGES RECEIPT OF THE AREA AGREEMENT AS WELL AS COPIES OF THE AGREEMENTS INCORPORATED BY REFERENCE THEREOF FOR ALL TEN (10) COUNTIES.

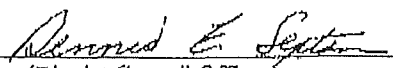
IN WITNESS WHEREOF the parties have executed this Memorandum of Agreement the
14th day of March, 19 97

EMPLOYER: Architectural CHICAGO AND NORTHEAST ILLINOIS
Systems, Inc. DISTRICT COUNCIL OF CARPENTERS

By: Mr. James M. Chavez, President
(Print or Type Name) (Title)


(Signature)

2


(District Council Officer)

14 CV 03738

Exhibit B-2

Discrepancy Summary By Month

Account Number:	21403	Audit Period:	Jan 12 - Mar 14
Employer:	Architectural Systems Inc	Contact:	Jim Chavez
Address:	4224 Foxborough Circle Kankakee, IL 60901	Title:	President
Phone:	847-639-8484	Page:	1 of 7

[illegible]

Discrepancy Summary By Error Type

Account Number:	21403	Audit Period:	Jan 12 - Mar 14
Employer:	Architectural Systems Inc	Contact:	Jim Chavez
Address:	4224 Foxborough Circle	Title:	President
	Kankakee, IL 60901		
Phone:	847-639-8484	Page:	2 of 7

Code	Description	Dollar Amount
SIGNATORY EMPLOYER: PAYROLL		
P1	Clerical Error	\$10,385.26
P2	Prior to Hours	\$268.70
SIGNATORY EMPLOYER: CASH DISBURSEMENTS		
CD15	Additional Pay	\$1,323.35
Sub-Total Discrepancies From All Listed Codes		\$11,977.31
Liquidated Damages		\$2,388.69
Total Amount Due		\$14,366.00

Liquidated Damages Schedule

Account Number:	21403	Audit Period:	Jan 12 - Mar 14
Employer:	Architectural Systems Inc	Contact:	Jim Chavez
Address:	4224 Foxborough Circle Kankakee, IL 60901	Title:	President
Phone:	847-639-8484	Page:	3 of 7

Reporting Period	Contributions Due	Compounding Periods	Calculating Percentage	Total Liquidated Damages Owed
November 2013	\$2,364.56	15.00	20.00%	\$472.91
December 2013	\$6,462.24	14.00	20.00%	\$1,292.45
January 2014	\$1,612.20	13.00	20.00%	\$322.44
February 2014	\$1,538.31	12.00	19.56%	\$300.89
Total Discrepancies				\$11,977.31
Total Damages this Schedule				\$2,388.69
20% of Discrepancies				\$2,395.46
Assessed Damages				\$2,388.69

Monthly Detail Report

Account Number: 21403

Audit Period: Jan 12 - Mar 14

Employer: Architectural Systems Inc

Month: November 2013

Address: 4224 Foxborough Circle

Page #: 4 of 7

Kankakee, IL 60901

Phone: 847-639-8484

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* * * * * Actual Hours Per Week * * * * *					Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 06-Nov	W/E 13-Nov	W/E 20-Nov	W/E 27-Nov					
REDACTED	Castellano, Paul	P1	40.00	40.00	24.00	40.00	20.00	25.00		109.00		69.00	69.00
	Correa, Luis	P1	40.00	40.00	0.00	0.00	19.00	25.00		44.00		4.00	4.00
	Meller, David	P1	36.00	36.00	0.00	0.00	14.00	37.00		51.00		15.00	15.00
Total					24.00	40.00	53.00	87.00	0.00	204.00		88.00	88.00

Total Items Listed in this Period: 3.00

Monthly Detail Report

Account Number: 21403

Audit Period: Jan 12 - Mar 14

Employer: Architectural Systems Inc

Month: December 2013

Address: 4224 Foxborough Circle

Page #: 5 of 7

Kankakee, IL 60901

Phone: 847-639-8484

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* * * * * Actual Hours Per Week * * * * *						Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 04-Dec	W/E 11-Dec	W/E 18-Dec	W/E 25-Dec	W/E 31-Dec	Total Hours			
REDACTED	Castellano, Paul	P1	48.00	48.00	24.00	34.00	24.00	32.00	16.00	130.00		82.00	82.00
	Coatar, James	P2	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00		10.00	10.00
	Correa, Luis	P1	48.00	48.00	21.00	37.50	24.00	8.00	19.00	109.50		61.50	61.50
	Meller, David	P1	60.00	60.00	20.00	40.00	36.00	35.00	16.00	147.00		87.00	87.00
Total					65.00	111.50	84.00	75.00	61.00	396.50		240.50	240.50

Total Items Listed in this Period: 4.00

Monthly Detail Report

Account Number: 21403

Audit Period: Jan 12 - Mar 14

Employer: Architectural Systems Inc

Month: January 2014

Address: 4224 Foxborough Circle

Page #: 6 of 7

Kankakee, IL 60901

Phone: 847-639-8484

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* * * * * Actual Hours Per Week * * * * *					Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 06-May	W/E 13-May	W/E 20-May	W/E 27-May					
REDACTED	Castellano, Paul	P1	76.00	76.00	16.00	25.00	28.00	16.00		85.00		9.00	9.00
	Coatar, James	P1	30.00	30.00	14.00	15.00	15.00	4.00		48.00		18.00	18.00
	Correa, Luis	P1	72.00	72.00	15.00	26.00	35.00	16.00		92.00		20.00	20.00
	Meller, David	P1	71.00	71.00	19.00	19.00	30.00	16.00		84.00		13.00	13.00
Total					64.00	85.00	108.00	52.00	0.00	309.00		60.00	60.00

Total Items Listed in this Period: 4.00

Monthly Detail Report

Account Number: 21403

Audit Period: Jan 12 - Mar 14

Employer: Architectural Systems Inc

Month: February 2014

Address: 4224 Foxborough Circle

Page #: 7 of 7

Kankakee, IL 60901

Phone: 847-639-8484

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* * * * * Actual Hours Per Week * * * * *					Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 05-Feb	W/E 12-Feb	W/E 19-Feb	W/E 26-Feb					
REDACTED	Coatar, James	CD15	0.00	0.00	19.75	0.00	0.00	0.00		19.75		19.75	19.75
	Coatar, James	P1	7.00	7.00	4.00	0.00	0.00	3.00		7.00		0.00	0.00
	Correa, Luis	CD15	0.00	0.00	23.25	0.00	0.00	0.00		23.25		23.25	23.25
	Correa, Luis	P1	41.00	41.00	6.00	6.00	6.00	23.00		41.00		0.00	0.00
	Meller, David	CD15	0.00	0.00	6.25	0.00	0.00	0.00		6.25		6.25	6.25
	Meller, David	P1	41.00	41.00	6.00	6.00	14.00	23.00		49.00		8.00	8.00
Total					65.25	12.00	20.00	49.00	0.00	146.25		57.25	57.25

Total Items Listed in this Period: 6.00

14 CV 03738

Exhibit B-3

Interest & Damages Summary		
Account Number:	21403	Calculation Date: April 10, 2015
Employer:	Architectural Systems Inc	
Address:	4224 Foxborough Circle Kankakee, IL 60901	

Calculation Date: April 10, 2015

Employer: Architectural Systems Inc
Address: 4224 Foxborough Circle
Kankakee, IL 60901

Reporting Period	Delinquency Amount	Interest	Liquidated Damages	Total Due
November 2013	\$2,364.56	\$92.44	\$472.91	\$2,929.91
December 2013	\$6,462.24	\$235.82	\$1,292.45	\$7,990.51
January 2014	\$1,612.20	\$54.35	\$322.44	\$1,988.99
February 2014	\$1,538.31	\$48.22	\$307.66	\$1,894.19
Totals	\$11,977.31	\$430.83	\$2,395.46	\$14,803.60

14 CV 03738

Exhibit C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, <i>et al.</i> ,)	
)	
Plaintiffs,	)	14 CV 03738
v.)	
)	
ARCHITECTURAL SYSTEMS, INC., an	)	Judge Lee
Illinois corporation,)	
)	
Defendant.)	

DECLARATION OF KEVIN P. MCJESSY

I, Kevin P. McJessy, hereby declare, under penalty of perjury pursuant to the laws of the United States, that the following statements are true:

1. I am one of the attorneys representing the Chicago Regional Council of Carpenters Pension Fund, the Chicago Regional Council of Carpenters Welfare Fund, the Chicago and Northeast Illinois Regional Council of Carpenter Apprentice and Trainee Program, and the Labor/Management Union Carpentry Cooperation Promotion Fund (collectively “the Trust Funds”) in the above-captioned lawsuit (“Lawsuit”) against ARCHITECTURAL SYSTEMS, INC., an Illinois corporation (“Defendant”).

2. I have been licensed to practice law in the State of Illinois and the United States District Court for the Northern District of Illinois since 1995. I am an attorney with McJessy, Ching & Thompson, LLC (“MC&T”).

3. As part of my practice, I handle claims under ERISA. I personally represented the Trust Funds in this Lawsuit. I have represented the Trust Funds in this Lawsuit since its inception.

4. The Trust Funds have incurred \$8,082.88 in fees and expenses to compel Defendant to comply with its obligations under the terms of the Collective Bargaining Agreement and applicable trust, including preparing and filing a complaint, a motion for entry of default, a motion for rule to show cause and motions for entry of final judgment. I have also been responsible for trying to negotiate a resolution of the lawsuit. A redacted copy of the billing statement from MC&T from the inception of this Lawsuit to the present, redacted to protect privileged communications, is attached as Exhibit C-1. The detailed billing statement describes in detail all work performed by MC&T in this matter.

a) The Trust Funds have collectively incurred fees totaling \$6,800 for 42.5 hours of attorney services. The substantially reduced hourly rate for attorneys at MC&T for Trust Funds matters is \$160.00 per hour.

b) The Trust Funds have collectively incurred fees totaling \$282.00 for 4.7 hours of paralegal time. The substantially reduced hourly rate for paralegals at MC&T for Trust Fund matters is \$60.00 per hour.

c) The Trust Funds incurred \$1,000.88 in expenses for the filing fee, process servers, legal research charge, courier charges, postage and photocopy charges.

5. The attorneys' fees, paralegal fees and costs charged to the Trust Funds in this matter are consistent with MC&T's regular charges for services to the Trust Funds on similar matters and are substantially reduced from MC&T for other clients.

6. I have personal knowledge of the matters stated in this affidavit and could testify competently to them.

FURTHER AFFIANT SAYETH NOT.


Kevin P. McJessy
4/16/15
Date

14 CV 03738

Exhibit C-1

Client Ledger

ALL DATES

Date	Received From/Paid To	Chq#	|----- General -----|		Fees	Bld |-----|	Trust Activity		-----|	
Entry #	Explanation	Rec#	Rcpts	Disbs		Inv#	Acc	Rcpts	Disbs	Balance
1000	Chicago Regional Council of Carpenters -									
0211-ARCH	Architectural Systems, Inc.									
Mar 19/2014	Lawyer: KM 0.70 Hrs X 160.00									
81586	Telephone call from N. Wu regarding arrangements for audit demand letter. (.2)				112.00	8303				
	Reviewed and responded to correspondence from N. Wu regarding request for final demand letter to Architectural Systems. (.1) Reviewed Illinois Secretary of State records for status of Architectural Systems, current officers and addresses; prepared audit demand letter to Architectural Systems. (.4)									
Apr 1/2014	Lawyer: KM 0.10 Hrs X 160.00									
82170	Reviewed and responded to correspondence from N. Wu advising he has not been contacted by Architectural Systems, Inc. and he is returning audit as no audit / no cooperation.				16.00	8371				
Apr 10/2014	Billing on Invoice 8303									
81921	FEES 112.00			0.00		8303				
Apr 21/2014	Chicago Regional Council of Carpe									
81993	PMT -	01464	112.00							
May 8/2014	Lawyer: KM 0.10 Hrs X 160.00									
82732	Reviewed correspondence from M. Ragona regarding uploading of Architectural Systems report to portal.				16.00	8459				
May 12/2014	Lawyer: KM 0.10 Hrs X 160.00									
82164	Download audit report from Legacy Professionals' portal and reviewed audit report for no audit/no cooperation.				16.00	8459				
May 19/2014	Billing on Invoice 8371									
82540	FEES 16.00			0.00		8371				
May 20/2014	Lawyer: SK 0.20 Hrs X 60.00									
82553	Prepared summons, civil cover sheet and K. McJessey appearance.				12.00	8459				
May 21/2014	Lawyer: SK 0.60 Hrs X 60.00									
82555	Filed complaint, civil cover sheet and K. McJessey appearance with court; reviewed court notice re: judges assignments and completed summons as appropriate; prepared email correspondence to court intake clerk forwarding summons for issuance; prepared correspondence to Judge Lee forwarding courtesy copy of complaint; prepared email correspondence to process server forwarding summons and complaint for service.				36.00	8459				
May 21/2014	Lawyer: KM 1.60 Hrs X 160.00									
82846	Reviewed audit referral file from Trust Funds. Prepared complaint against Architectural Systems for failing to comply with audit demands. Reviewed summons, appearance and civil cover forms prior to filing of same.				256.00	8459				
May 23/2014	Lawyer: KM 0.10 Hrs X 160.00									
82868	Reviewed ECF court order of Judge Lee setting initial status hearing for 7/15/14 and initial status report requirement.				16.00	8459				
May 30/2014	Lawyer: SK 0.20 Hrs X 60.00									
82614	Reviewed process server's affidavit of service of summons and complaint and filed same electronically with court.				12.00	8459				
May 31/2014	Expense Recovery									
82634	Photocopy Recovery	00288		4.56		8459				
May 31/2014	Midwest Investigations									
82909	Process Server recovery - Service of Summons and Complaint	4395		125.00		8459				
Jun 1/2014	Lawyer: KM 0.40 Hrs X 160.00									
82619	Reviewed correspondence from N.				64.00	8508				

Date		Received From/Paid To Explanation	Chq# Rec#	|----- General -----|		Fees	Bld |----- Trust Activity -----|		Balance
Entry #				Rpts	Disbs		Inv#	Acc	
		Wu regarding contact from Architectural Systems on 5/30/14 and setting up appointment. (.1) Reviewed file materials for status of service of complaint; reviewed affidavit of service complaint served on 5/27/14. (.2) Prepared correspondence to N. Wu advising of status of litigation and appointment was almost certainly the result of Architectural Systems getting sued. (.1)							
Jun 2/2014	83512	Lawyer: KM 0.20 Hrs X 160.00 Reviewed correspondence from N. Wu regarding confirmation that on 5/30/14 Architectural Systems made arrangements for an audit. Reviewed records for affidavit of service. Responded to correspondence from N. Wu confirming appointment with Architectural Systems and advising that Architectural Systems was served on 5/27/14 and that is why Legacy received the call to set up the appointment on 5/30/14.				32.00	8508		
Jun 3/2014	83575	Lawyer: KM 0.10 Hrs X 160.00 Prepared correspondence to defendant forwarding court order.				16.00	8508		
Jun 3/2014	83576	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from N. Wu confirming appointment set by James Chavez of Architectural Systems for audit on 6/24/14.				16.00	8508		
Jun 6/2014	82930	Chicago Regional Council of Carpe PMT -	01476	16.00					
Jun 9/2014	83183	Billing on Invoice 8459 FEES 364.00 DISBS 129.56			0.00		8459		
Jun 19/2014	83267	US Messenger & Logistics Courier Recovery	4402		14.60		8508		
Jun 20/2014	83312	Chicago Regional Council of Carpe PMT -	01486	493.56					
Jun 23/2014	83734	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from N. Wu confirming field appointment has been rescheduled to July 1, 2014 at request of J. Chavez.				16.00	8508		
Jun 26/2014	83370	Capital One Services Filing Fee -	4406		400.00		8508		
Jun 30/2014	83770	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from N. Wu confirming audit appointment for 7/1/14.				16.00	8508		
Jul 7/2014	84221	Lawyer: KM 0.20 Hrs X 160.00 Telephone call from N. Wu confirming some documents still missing from audit; will prepare and forward follow up record request to the company today with copy to KPM. (.1) Reviewed correspondence from N. Wu forwarding record request to J. Chavez; reviewed record request. (.1)				32.00	8575		
Jul 8/2014	83455	Lawyer: SK 0.20 Hrs X 60.00 Filed initial status report with court and prepared correspondence to Judge Lee forwarding courtesy copy of same.				12.00	8575		
Jul 8/2014	83459	Lawyer: KM 0.50 Hrs X 160.00 Reviewed Judge Lee's website for status report requirements. Reviewed file for status of appearance by Architectural Systems. Prepared initial status report.				80.00	8575		
Jul 14/2014	83546	Lawyer: SK 0.20 Hrs X 60.00 Confer with Judge Lee's clerk regarding placing CRCC case at start of call due to conflict with Judge Gettleman - matter continued to 8/20/14; confer with J. Chavez of				12.00	8575		

Date		Received From/Paid To Explanation	Chq# Rec#	[----- General -----]		Fees	Bld [-----]		Trust Activity [-----]		Balance
Entry #				Rcpts	Disbs		Inv#	Acc	Rcpts	Disbs	
		Architectural Systems regarding same - Chavez says he has only few documents remaining to get to auditor N. Wu and then everything should be completed.									
Jul 15/2014	84279	Lawyer: KM 0.10 Hrs X 160.00 Reviewed ECF court order of Judge Lee resetting court hearing date to 8/20/14.				16.00	8575				
Jul 17/2014	83636	US Messenger & Logistics Courier Recovery	4427		14.60		8575				
Jul 18/2014	83834	Billing on Invoice 8508 FEES 160.00 DISBS 414.60			0.00		8508				
Jul 18/2014	84301	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from N. Wu advising that Architectural Systems, Jim Chavez, is working to produce records, next production due 7/31/14.				16.00	8575				
Jul 31/2014	84088	Expense Recovery Photocopy Recovery	00293		1.20		8575				
Jul 31/2014	84119	US Messenger & Logistics Courier Recovery	4440		14.60		8575				
Aug 1/2014	84833	Lawyer: KM 0.50 Hrs X 160.00 Reviewed and responded to correspondence from N. Wu forwarding record request to Architectural Systems and briefly reviewed record request. (.1) Telephone call with Dan Jancich following up on Nick Wu's audit and learning that Architectural systems has not produced all documents requested in audit process and password and login information provided by Architectural Systems for payroll account. (.4)				80.00	8629				
Aug 8/2014	84886	Lawyer: KM 0.30 Hrs X 160.00 Started drafting motion for entry of default order.				48.00	8629				
Aug 15/2014	84492	Billing on Invoice 8575 FEES 168.00 DISBS 30.40			0.00		8575				
Aug 19/2014	84608	Chicago Regional Council of Carpe PMT -	01510	574.60							
Aug 19/2014	85005	Lawyer: KM 1.40 Hrs X 160.00 Reviewed file materials regarding status of Defendants' compliance with audit; compliance delayed. (.2) Prepared declaration of J. Libby in support of motion for entry of default judgment. (.4) Completed drafting motion for entry of default order; reviewed file materials as necessary to prepare deposition order. (.5) Drafted proposed order for entry of default. (.3)				224.00	8629				
Aug 20/2014	84580	Lawyer: SK 0.60 Hrs X 60.00 Reviewed Judge Lee's website for current motion schedule and courtesy copy requirements; prepared notice of motion for 'Trust Funds' motion for entry of an order of default; filed motion for entry of order of default with court; filed notice of motion with court; prepared correspondence to Judge Lee forwarding courtesy copies of same.				36.00	8629				
Aug 20/2014	84665	Lawyer: KM 1.10 Hrs X 160.00 Appeared in court before Judge Lee for status hearing on progress of audit and appearance of Defendant, defendant has not appeared likely to file motion for default by tomorrow. Reviewed ECF court order of Judge Lee ordering that motion for default be filed by 8/21/14.				176.00	8629				
Aug 20/2014	84780	Expense Recovery Postage Recovery	00295		1.61		8629				

Date		Received From/Paid To		Chq#	|----- General -----|		Bld |----- Trust Activity -----|			
Entry #		Explanation		Rec#	Rpts	Disbs	Fees	Inv#	Acc	Balance
Aug 25/2014	84936	Lawyer: KM 0.20 Hrs X 160.00 Reviewed correspondence from N. Wu advising that he has not received most recently requested documents from J. Chavez, no response and forwarding copy of most recent record request; reviewed record request.					32.00	8629		
Aug 27/2014	84686	Lawyer: KM 0.10 Hrs X 160.00 Telephone call with N. Wu regarding Architectural Systems not producing records, advised him that matter is set for default judgment on 9/2/14 and will send order along with 8/25/14 record request to Architectural Systems once court enters the order.					16.00	8629		
Aug 29/2014	84735	Chicago Regional Council of Carpe PMT -		01518	198.40					
Aug 31/2014	84772	Expense Recovery Photocopy Recovery		00294		11.52		8629		
Sep 2/2014	85426	Lawyer: KM 1.30 Hrs X 160.00 Appeared in court before Judge Lee for hearing on Trust Funds' motion for entry of default judgment, motion granted. Reviewed ECF court order of Judge Lee entering default order.					208.00	8690		
Sep 4/2014	85440	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from C. Acevedo seeking word version of proposed order of default.					16.00	8690		
Sep 5/2014	85362	Expense Recovery Postage Recovery		00296		7.80		8690		
Sep 5/2014	85457	Lawyer: KM 0.40 Hrs X 160.00 Prepared correspondence to J. Chavez forwarding Order of Default entered against Architectural Systems and advising of requirements for compliance and consequences of noncompliance.					64.00	8690		
Sep 16/2014	85031	Billing on Invoice 8629 FEES 612.00 DISBS 13.13				0.00		8629		
Sep 24/2014	85588	Lawyer: KM 0.10 Hrs X 160.00 Telephone call from N. Wu regarding no word from Architectural Systems about audit despite court order.					16.00	8690		
Sep 24/2014	85592	Lawyer: KM 0.50 Hrs X 160.00 Started drafting motion for rule to show cause for failing to cooperate with the auditor.					80.00	8690		
Sep 25/2014	85350	Expense Recovery Postage Recovery		00296		1.61		8690		
Sep 25/2014	85598	Lawyer: KM 0.70 Hrs X 160.00 Completed motion for rule to show cause, edited and revised same prior to filing; reviewed file materials for exhibits to motion.					112.00	8690		
Sep 25/2014	85651	Lawyer: SK 0.50 Hrs X 60.00 Prepared notice of motion for rule to show cause; filed notice and motion for rule to show cause with court; prepared correspondence to Judge Lee forwarding courtesy copies of same.					30.00	8690		
Sep 26/2014	85197	US Messenger & Logistics Courier Recovery		4480		14.60		8690		
Sep 30/2014	85264	US Messenger & Logistics Courier Recovery		4490		14.60		8690		
Sep 30/2014	85381	Expense Recovery Photocopy Recovery		00297		12.24		8690		
Oct 2/2014	86019	Lawyer: KM 1.90 Hrs X 160.00 Appeared in court before Judge Lee regarding hearing on motion for rule to show cause; hearing date set for 11/5/14. (1.5) Filled in hearing date in proposed draft order; reviewed Judge Lee's policy for submitting online order and submitted proposed draft order to Judge Lee's online submission email. (.3)					304.00	8754		

Client Ledger ALL DATES												
Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	Repts	General Disbs	Fees	Bld Inv#	Trust Activity Acc	Repts	Disbs	Balance	
		Reviewed ECF court order of Judge Lee setting show cause hearing for 11/5/14 and proposed order submission. (.1)										
Oct 6/2014	85340	Chicago Regional Council of Carpe PMT -	01524	625.13								
Oct 6/2014	86038	Lawyer: KM 0.50 Hrs X 160.00 Briefly reviewed Lexis report on J. Chavez regarding confirmation of where he is in light of need to serve order and in light of ongoing failure to acknowledge lawsuit; confirmed his address. (.2) Prepared correspondence to J. Chavez forwarding court order and explaining implications if he ignores the order. (.3)				80.00	8754					
Oct 14/2014	85398	Lawyer: SK 0.40 Hrs X 60.00 Prepared notice of filing of affidavit of service of 10/2/14 court order and 10/7/14 McJessey transmittal letter; prepared correspondence to Judge Lee forwarding courtesy copy of same.				24.00	8754					
Oct 20/2014	85672	Billing on Invoice 8690 FEES 526.00 DISBS 50.85			0.00		8690					
Oct 30/2014	85866	Midwest Investigations Process Server recovery - Service of Rule to Show Cause Order and McJessey letter	4505		105.00		8754					
Oct 31/2014	85893	Expense Recovery Photocopy Recovery	00298		1.68		8754					
Nov 4/2014	85931	Lawyer: SK 0.40 Hrs X 60.00 Prepared appearance of J. Sopata; filed Sopata appearance with court; prepared correspondence to Judge Lee forwarding courtesy copy of Sopata appearance.				24.00	8826					
Nov 4/2014	86747	Lawyer: JS 0.20 Hrs X 160.00 Prepare for 11/5/14 rule to show cause hearing.				32.00	8826					
Nov 4/2014	86913	Lawyer: KM 0.40 Hrs X 160.00 Confer with J. Sopata regarding [REDACTED] [REDACTED] [REDACTED]				64.00	8826					
Nov 5/2014	86618	Lawyer: KM 0.40 Hrs X 160.00 Prepared letter to defendant forwarding show cause letter. (.3) Reviewed ECF court order of Judge Lee on motion for rule to show cause, continued, new date 11/18/14, body attachment denied, potential fine imposed; confer with S. Keating regarding [REDACTED]. (.1)				64.00	8826					
Nov 5/2014	86749	Lawyer: JS 1.50 Hrs X 160.00 Attend rule to show cause hearing at which judge entered and continued motion and ordered fine for non-compliance.				240.00	8826					
Nov 6/2014	85938	Lawyer: SK 0.20 Hrs X 60.00 Reviewed Lexis report on J. Chavez and prior affidavit of service and prepared detailed email correspondence to process server forwarding 11/5/14 court order and McJessey 11/6/14 letter concerning continued rule to show cause.				12.00	8826					
Nov 12/2014	86030	Lawyer: KM 0.90 Hrs X 160.00 Telephone call from Graham Hartung (815) 275-0189 regarding representation of Architectural Systems, will be in court on 11/18/14, discussed background of litigation and need for audit compliance, GH's belief that Brett Haddix is scheduled to audit on				144.00	8826					

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General Rpts	Disbs	Fees	Bld Inv#	Trust Acc	Activity Rpts	Balance Disbs
		Friday and possible second lawsuit and forwarded information by email to GH regarding audit. (.5) Telephone call with M. Ragona regarding status of audit; audit switched from N. Wu to B. Haddix at request of owner of Architectural Systems. (.2) Telephone call with G. Hartung following up on earlier call to confirm audit situation. (.1) Telephone call with J. Conklin [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (.1)								
Nov 13/2014	86095	Lawyer: KM 0.20 Hrs X 160.00 Telephone call from B. Haddix regarding rescheduling of audit from tomorrow to 11/14/14 at J. Chavez's request.				32.00	8826			
Nov 13/2014	86122	US Messenger & Logistics Courier Recovery	4523		14.60		8826			
Nov 14/2014	86246	Chicago Regional Council of Carpe PMT -	01537	576.85						
Nov 14/2014	86256	Lawyer: SK 0.40 Hrs X 60.00 Reviewed process server's affidavit of service upon J. Chavez of continued rule to show cause and K. McDessy correspondence; prepared notice of filing for same and filed same electronically with court; prepared correspondence to Judge Lee forwarding courtesy copy of same.				24.00	8826			
Nov 14/2014	86307	Billing on Invoice 8754 FEES 408.00 DISBS 106.68			0.00		8754			
Nov 14/2014	86766	Lawyer: KM 0.10 Hrs X 160.00 Reviewed proof of service of Rule to Show Cause hearing on Architectural Systems.				16.00	8826			
Nov 17/2014	86781	Lawyer: KM 0.40 Hrs X 160.00 Telephone call from J. Chavez and B. Haddix and Graham Hartung regarding results of audit and hearing set for tomorrow.				64.00	8826			
Nov 18/2014	86790	Lawyer: KM 2.30 Hrs X 160.00 Appeared in court for 2:00 PM hearing on rule to show cause motion, appearance of defendant at hearing and Defendant has cooperated with the auditor yesterday and post-hearing conference with representative of Architectural Systems and its counsel, what to expect from audit, how to respond to audit once it is completed--i.e., directly to J. Conklin, Trust Funds--in order to limit attorneys' fees and costs, and likely will be substantial findings based on limited invoices produced.. (2.2) Reviewed and responded to correspondence from Graham Hartong regarding meeting after court. (.1)				368.00	8826			
Nov 20/2014	86811	Lawyer: KM 0.10 Hrs X 160.00 Reviewed ECF court order of Judge Lee, audit report to be produced by 12/12/14 and status hearing set for 12/15/14.				16.00	8826			
Nov 21/2014	86489	Chicago Regional Council of Carpe PMT -	01540	514.68						
Nov 30/2014	86649	US Messenger & Logistics Courier Recovery	4538		14.60		8826			
Nov 30/2014	86651	US Messenger & Logistics Courier Recovery	4538		14.60		8826			

Client Ledger
ALL DATES

[illegible]

Client Ledger

ALL DATES

ate Entry #	Received From/Paid To Explanation	Chq# Rec#	|----- General -----|		Fees	Bld |----- Trust Activity -----|		Balance
			Rcpts	Disbs		Inv#	Acc	
87978	Appeared in court for status hearing before Judge Lee; audit nearly complete.				224.00	8955		
an 20/2015 87479	Lawyer: SK 0.20 Hrs X 60.00 Prepared email correspondence to Judge Dow clerk concerning ECF notice that case was terminated 1/15/15.				12.00	8955		
an 20/2015 87554	Billing on Invoice 8889 FEES 560.00 DISBS 1.44			0.00		8889		
an 20/2015 88108	Lawyer: KM 0.10 Hrs X 160.00 Reviewed ECF court order of Judge Lee, motion for default to be filed by 2/20/15 and noticed for 2/24/15. Reviewed ECF court order of Judge Lee case terminated.				16.00	8955		
Feb 9/2015 88344	Lawyer: KM 0.20 Hrs X 160.00 Reviewed file materials for status of adjusted audit and next court-related matter to be completed. (.1) Prepared correspondence to J. Conklin [REDACTED] [REDACTED] [REDACTED] [REDACTED] Reviewed correspondence from J. Conklin [REDACTED] [REDACTED] (.1)				32.00	9018		
Feb 10/2015 87854	Chicago Regional Council of Carpe PMT -	01571	561.44					
Feb 10/2015 88840	Lawyer: KM 0.30 Hrs X 160.00 Reviewed correspondence from J. Conklin [REDACTED] [REDACTED] (.1) Reviewed correspondence from J. Conklin [REDACTED] [REDACTED]; reviewed adjusted audit report and damages summary. (.2)				48.00	9018		
Feb 17/2015 88146	Billing on Invoice 8955 FEES 252.00			0.00		8955		
Feb 18/2015 88343	Lawyer: KM 2.90 Hrs X 160.00 Reviewed correspondence from J. Conklin [REDACTED]; reviewed adjusted audit report. (.3) Drafted motion for entry of default judgment and supporting documents including declaration of J. Libby, declaration of K. McJessey and draft order of judgment; reviewed file documents as necessary to prepare motion and declarations and to pull exhibits. (2.4) Confer with J. Conklin regarding [REDACTED] [REDACTED] (.1) Telephone call with J. Libby regarding [REDACTED] [REDACTED] (.1)				464.00	9018		
Feb 19/2015 88770	Lawyer: KM 0.60 Hrs X 160.00 Final review of J. Libby declaration and revisions to correct minor errors and attached relevant exhibits. (.3) Prepared correspondence to J. Libby [REDACTED] [REDACTED] (.1) Prepared draft Order to attach to motion for entry of final judgment order. (.2)				96.00	9018		
Feb 20/2015 88347	Lawyer: SK 0.60 Hrs X 60.00 Prepared notice of motion for motion for final judgment; filed motion for final judgment with court; filed notice of motion with court; prepared correspondence to Judge Lee forwarding file-stamped courtesy copies of same.				36.00	9018		
Feb 20/2015 88410	Expense Recovery Postage Recovery	00307		7.00		9018		

General --

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General	Disbs	Fees	Bld Inv#	Trust Activity	Balance
				Rcpts				Rcpts	
Feb 20/2015	88773	Lawyer: KM 1.30 Hrs X 160.00 Reviewed correspondence from J. Libby to J. Conklin (.1) Reviewed correspondence from J. Conklin (.1) Prepared revised declaration of J. Libby; prepared correspondence to J. Libby (.2) Prepared correspondence to G. Hartung forwarding revised audit report. Reviewed and responded to correspondence from G. Hartung advising he thought case was closed and forwarding last orders to him so he can see it is not. (.2) Reviewed correspondence from J. Libby (.1) Telephone call from G. Hartung regarding audit, dispute with same, concern over amount and additional records to be produced. (.4) Telephone call from J. Conklin regarding (.2)				208.00	9018		
Feb 23/2015	88353	Lawyer: KM 0.40 Hrs X 160.00 Telephone call from G. Hartung regarding additional records produced by J. Chavez, he will be at hearing tomorrow and agreement to ask for continuance to allow J. Chavez to try to resolve audit. (.2) Telephone call with J. Conklin regarding (.2)				64.00	9018		
Feb 24/2015	88375	Lawyer: KM 1.90 Hrs X 160.00 Appeared in court before Judge Lee regarding hearing on motion for default and continuance of pending motion to allow for further audit. Confer with B. Hartung regarding completion of audit and possible resolution of lawsuit by agreed order.				304.00	9018		
Feb 26/2015	88817	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from J. Conklin				16.00	9018		
Feb 27/2015	88404	Expense Recovery Postage Recovery	00307		0.96		9018		
Feb 27/2015	88822	Lawyer: KM 0.10 Hrs X 160.00 Prepared correspondence to Architectural Systems forwarding court order.				16.00	9018		
Feb 28/2015	88427	Expense Recovery Photocopy Recovery	00308		43.92		9018		
Feb 28/2015	88481	US Messenger & Logistics Courier Recovery	4616		14.60		9018		
Mar 6/2015	88528	Chicago Regional Council of Carpe PMT -	01577	252.00					
Mar 11/2015	89117	Lawyer: KM 0.90 Hrs X 160.00 Reviewed correspondence from J. Conklin (.2) Prepared audit report. (.2) Prepared correspondence to G. Hartung forwarding revised audit report and a detailed summary of the total amount of damages due, \$25,429.96; forward to client (.3) Reviewed correspondence from				144.00			

ALL DATES										
Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General	Rcpts	Disbs	Fees	Bld Inv#	Acc	Trust Activity Rcpts Disbs Balance
		G. Hartung regarding request for copy of auditor's billing summary. (.1) Telephone call with G. Hartung advising that Trust Funds can likely produce detailed billing summary but inquiring on whether he questions reasonableness of overall fees and whether time spent producing the documentation supports the effort. (.2) Prepared correspondence to J. Conklin [REDACTED] [REDACTED] (.1)								
Mar 12/2015	89118	Lawyer: KM 0.70 Hrs X 160.00 Telephone call with G. Hartung proposing settlement offer, requested that he put offer in writing. (.2) Reviewed and responded to correspondence from G. Hartung forwarding settlement offer of \$22,641.39. (.1) Prepared correspondence to J. Libby [REDACTED] [REDACTED] (.2) Telephone call from J. Chavez seeking to convey that he understood when he met with J. Libby and J. Conklin, the Trust Funds agreed to waive interest and liquidated damages, advised he really must communicate through counsel. (.1) Prepared correspondence to J. Libby and J. Conklin [REDACTED] [REDACTED] (.1)					112.00			
Mar 13/2015	89119	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from J. Conklin [REDACTED] [REDACTED] [REDACTED]					16.00			
Mar 13/2015	89131	Lawyer: JS 1.50 Hrs X 160.00 Attended hearing on motion for judgment at which judge was informed of revised demand and settlement discussions.					240.00			
Mar 18/2015	88602	Lawyer: KM 0.50 Hrs X 160.00 Coordinate with J. Sopata regarding [REDACTED] [REDACTED] Communications with J. Sopata regarding [REDACTED] [REDACTED] Reviewed Judge Lee's electronic order submission rules; prepared correspondence to Judge Lee's court order submittal of court order.					80.00			
Mar 20/2015	88859	Billing on Invoice 9018 FEES 1284.00 DISBS 66.48				0.00		9018		
Mar 25/2015	89120	Lawyer: KM 0.50 Hrs X 160.00 Prepared agreed order of dismissal. (.3) Prepared correspondence to J. Libby [REDACTED] [REDACTED] (.1) Prepared correspondence to G. Hartung following up on prior email to confirm settlement on three payments on terms discussed and if no response is forthcoming the Trust Funds will file a motion for entry of default. (.1).					80.00			
Mar 26/2015	89121	Lawyer: KM 0.30 Hrs X 160.00 Reviewed correspondence from J. Libby [REDACTED] [REDACTED] (.1) Prepared correspondence to G. Hartung forwarding proposed Agreed Order of Dismissal embodying terms of Trust Funds settlement proposal and seeking					48.00			

Date	Received From/Paid To	Chq#	General	Trust Activity	Bld	Trust Activity	Balance
Entry #	Explanation	Rec#	Rcpts	Disbs	Fees	Inv# Acc Rcpts Disbs	
	prompt response. Reviewed correspondence from G. Hartung acknowledging receipt and will respond shortly. (.2)						
Apr 27/2015	Lawyer: KM 0.20 Hrs X 160.00						
89122	Telephone call to G. Hartung seeking to follow up on Architectural Systems' response to Agreed Order of Dismissal and prepared correspondence to G. Hartung seeking to follow up on same. (.1) Reviewed correspondence from G. Hartung advising that "Jim is not ready to sign the Agreement." (.1)				32.00		
Apr 9/2015	Lawyer: KM 0.10 Hrs X 160.00						
89123	Prepared correspondence to J. Conklin				16.00		
Apr 9/2015	Lawyer: KM 0.20 Hrs X 160.00						
89187	Telephone call from T. Miller advising that he is representing Architectural Systems now and interested in trying to work out settlement, J. Chavez did not respond to prior offer because he was out of the country, an associate from T. Miller's office will be in court tomorrow.				32.00		
Apr 10/2015	Chicago Regional Council of Carpe						
89158	PMT -	01598	1350.48				
Apr 10/2015	Lawyer: KM 1.60 Hrs X 160.00						
89189	Appeared in court before Judge Lee regarding continued status hearing, J. Chavez appeared in court, matter continued to 4/24/15. (.1.3) Reviewed correspondence from J. Conklin				256.00		
	(.1) Telephone call with T. Miller regarding whether he is going to represent J. Chavez because J. Chavez was unclear after court hearing on whether he is represented and, if so, by who. (.2)						
Apr 13/2015	Lawyer: KM 0.40 Hrs X 160.00						
89188	Prepared correspondence to T. Miller forwarding summary of damages and amounts claimed due and status of last offer and inquire whether he is representing Architectural Systems. (.3) Reviewed correspondence from T. Miller responding to email advising he is speaking with his client and will let me know if he is going to represent him in this matter. (.1)				64.00		
Apr 14/2015	Lawyer: KM 0.90 Hrs X 160.00						
89191	Prepared revised declaration of J. Libby based on revised audit report in order to file motion for entry of final judgment; reviewed file to pull exhibits to attach to declaration. (.7) Telephone call from J. Libby regarding				144.00		
	(.1) Revised declaration of J. Libby and arranged with S. Keating to forward revised document. (.1)						
Apr 14/2015	Lawyer: KM 0.10 Hrs X 160.00						
89193	Reviewed correspondence from T. Miller advising that he will NOT be representing Architectural Systems in this matter after all and we should deal with J. Chavez directly.				16.00		
Apr 15/2015	Lawyer: KM 1.50 Hrs X 160.00						
89197	Prepared draft revised motion for entry of final judgment based on current damages calculations; reviewed file materials as necessary to prepare revised motion and				240.00		

Client Ledger

ALL DATES

Date	Received From/Paid To	Chq#	General			Bld	Trust Activity			
Entry #	Explanation	Rec#	Rcpts	Disbs	Fees	Inv#	Acc	Ropts	Disbs	Balance
	prepared draft order as Exhibit to Motion and revised declaration of K. McJessy in support of motion; reviewed and confirmed redactions for billing summary attached to declaration of K. McJessy. (1.5)									

UNBILLED					BILLED					BALANCES	
TOTALS	CHE	+	RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST
PERIOD	0.00		0.00	1520.00	1520.00	1000.88	5562.00	0.00	6562.88	0.00	0.00
END DATE	0.00		0.00	1520.00	1520.00	1000.88	5562.00	0.00	6562.88	0.00	0.00

UNBILLED					BILLED					BALANCES	
FIRM TOTAL	CHE	+	RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST
PERIOD	0.00		0.00	1520.00	1520.00	1000.88	5562.00	0.00	6562.88	0.00	0.00
END DATE	0.00		0.00	1520.00	1520.00	1000.88	5562.00	0.00	6562.88	0.00	0.00

REPORT SELECTIONS - Client Ledger

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Requested by	ADMIN
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Major Clients	All
Client Intro Lawyer	All
Matter Intro Lawyer	All
Responsible Lawyer	All
Assigned Lawyer	All
Type of Law	All
Select From	Active, Inactive, Archived Matters
Matters Sort by	Default
New Page for Each Lawyer	No
New Page for Each Matter	No
No Activity Date	Dec/31/2199
Firm Totals Only	No
Totals Only	No
Entries Shown - Billed Only	No
Entries Shown - Disbursements	Yes
Entries Shown - Receipts	Yes
Entries Shown - Time or Fees	Yes
Entries Shown - Trust	Yes
Incl. Matters with Retainer Bal	No
Incl. Matters with Neg Unbld Disb	No
Trust Account	All
Working Lawyer	All
Include Corrected Entries	No
Show Check # on Paid Payables	No
Show Client Address	No
Consolidate Payments	No
Show Trust Summary by Account	No
Show Interest	No
Interest Up To	Apr/16/2015
Show Invoices that Payments Were Applied to	No
Display Entries in	Date Order

14 CV 03738

Exhibit D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.,)	
)	
Plaintiffs,	)	14 CV 3738
v.)	
	)	Judge Lee
ARCHITECTURAL SYSTEMS, INC., an Illinois)	
corporation,)	
)	
Defendant.)	

FINAL JUDGMENT

Pursuant to Federal Rules of Civil Procedure 54, 55 and 58, judgment is hereby entered in favor of the Chicago Regional Council of Carpenters Pension Fund *et al.* (“Trust Funds”) and against defendant ARCHITECTURAL SYSTEMS, INC. an Illinois corporation (“Defendant”) in the amount of \$26,907.68 as follows:

- A. \$11,977.31 in unpaid contributions pursuant to the audit;
- B. \$4,021.20 for auditor’s fees incurred by the Trust Funds to complete the audit of Defendant’s books and records;
- C. \$430.83 in interest;
- D. \$2,395.46 in liquidated damages; and
- E. \$8,082.88 in reasonable attorneys’ fees and costs the Trust Funds incurred in this action.

The Trust Funds shall also recover reasonable attorney’ fees and costs incurred by the Trust Funds in enforcing this order and any such further relief as this Court deems appropriate.

Date

Judge John Lee